

*By the Honorable*

**A tre**

**atise concernynge**

the diuision be

tweene the spi

rytual

tie and tempo

raltie.

¶ This lyttell booke declareth dyuers  
causes, wherby diuision hath rysen be-  
twene the spiritualtie and tenipozaltie:  
and partly sheweth, howe they maye be  
brought to a vnite. And if they that may  
do moost good towarde the sayd vnitie,  
wyl take the artycles of this treatise, as  
lyttel tytlinges to bring som weyghtier  
thynges to theyr mynde concernyng the  
same, and thanne by theyr wysdomes  
wyl adde them here vnto: and ( as they  
shall thynke necessarie ) to see them all  
put in due execucion: I thynke ver-  
ryly / that in shorte tyme they,

shall bringe this matter  
to good effecte, to the  
honoure of

god, &  
to

the comon welth and quiet-  
nes of all the kynges  
subiectes.





**D**yuers articles whiche haue bene a  
 speciall cause of the diuision that  
 is betwxt the spiritualtie  
 and the tempozaltie  
 in this realme.  
 The fyrst Chapter.



Ho may remembre the state  
 of this realme nowe in these  
 dayes, without great heuy-  
 nes and sorow of herte: For  
 there as in tymes past hath  
 reygned charite, mekenes, con-  
 corde and  
 peace reygneith nowe enuye,  
 pryde, diu-  
 sion, and stryfe: & that nat only  
 betwene  
 lay men and lay men, but also  
 betwene  
 religious and religious / and  
 betwene  
 pzeestes and relygyous, and that  
 is yet  
 more to be lamented, also  
 betwene pze-  
 estes and pzeestes. Whiche  
 diuision hath  
 ben so vniuersal / that it hath  
 ben a great  
 vnquietnes and a great  
 breache of cha-  
 ritie through all the realme:  
 and part of  
 it hathen ryssen by reason  
 of a great singu-  
 larite / that religious psons  
 and pzeestes  
 haue hadde to theyr estate  
 of luyunge,

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whereby many of theym haue thoughte they: estate most perfyte befoze al other. And some of them haue thereby exalted them selfe in they: owne syght so hyghe, that they haue rysen into suche a goostly pryde, that they haue in maner disdayned and dyspyed other, that haue nat lyued in suche perfection as they thynke they doo. And of this hathe folowed, that some of theym haue hadde vnstyting wordes of the other, callynge them flatterers, dissimulers, and hypocrites: And they haue called the other agayne proude persons, couetous, bayne glorious, and louers of worldely delytes, and suche other.

¶ And an other parte of this dysyson hath rysen by dyuersities of opynyons, that haue ben vpon the auctorities, powers, and iurisdiction of spirituall men amonge them selfe. And vpon these dysyons some lay men haue in tyme past fauored the one parte, and some the other: whereby the people haue greatly ben inqwyeted. But I wote nat fully by what occasyon it is, that nowe of late the great multytude of all the laye people

ple haue founde Defaute , as well at prestes as relygyouse / so ferfurthe , that it is nowe in maner noted throughe all the realme / that there is a greate dyspysyon bytwene the spyritualtie and the temporalitie . And verylie it is great pitie that suche a noyse shulde sprynge and goo abroad . And some alledge dyuers causes why it is so noysed . Fyrste they saye , that neyther prestes nor religious kepe nat the perfeccyon of theyr ordre to the honour of god and good example of the people , as they shulde do : but that som of them procure theyr owne honour , and call it the honour of god , and rather couet to haue rule ouer the people , than to profyte the people . And that some couet theyr bodyly ease and worldely welthe , in meate and drynke , and suche other / more than comenly any temporal man doeth . And that some serue god for a worldly laude , and to be magnified therfore , more than for the pure loue of god . And some laye men saye farther / that though religious men haue varied with religious / and that som prestes haue varied also with religious in som pointes



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concernynge the pzeeminence of theyꝝ  
perfection, as is said befoze: that yet in  
suche thynges as pertyne to the mayn  
tenaunce of the worldely honour of the  
churche and of spirituall men, whiche  
they call the honour of god, and in such  
thynges as pertyn to the encrece of the  
riches of spiritual me, religious oꝝ secu  
ler, they say they agree all in one. And  
therfoze they say, that all spiritual men,  
as to the multitude/ be moze diligent to  
enduce the people to suche thynges, as  
shall byynge riches to the churche, as to  
gyue money to trentals, and to founde  
chaunteries and obites, and to obteyne  
pardons, & to go vpon pylgremages/  
and suche other: than they be to enduce  
them to the payment of theyꝝ dettes / to  
make restitutions foꝝ such wꝛonges as  
they haue done/ oꝝ to doo the werkes of  
mercy to theyꝝ neyghboures, that be  
pooze and nedye / and that somtyme be  
also in right extreme necessite .

¶ And foꝝ as moche as it is most com  
monly sene/ that amonge a great multi  
tude there be many, that worke rather  
vpon wyl than vpon reason, And that  
though

though they haue a good zeale/ yet many tymes they lacke good ordre and discretion, whiche is the mother of al vertue. Therfore some persons thynkynge that worldely honoure and ryches lettethe greatly deuocion, so moche that as they thynke, they canne not stande togyther, haue holden opinion, that it is not lawfull to the churche to haue any possessions. And some takynge a more meane waye therin, haue sayde / that as they thynke, it is lawfull and also expedient, that the churche haue possessions: but they thynke / that the great haboundance, that is in the churche/ doth great hurt/ & induceth in many of them, a loue to worldely thynges, and letteth and in maner stranglet the loue of god.

And therfore they thynke, that it were good to take awaye that is to moche / and to leue that is sufficient. And some also, as of a policie to pulle ryches fro the churche, haue inueyed ayenste all suche thynges as brynge ryches to the churche. And because great ryches haue comene to the churche for prayenge for soules in purgatorie, haue by wordes



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affyrmed that there is no purgatorie :  
And that grauntynge of pardons riseth  
of couetyse of the churche, and profy-  
teth nat the people / and that pylgrema-  
ges be of no effecte / and that the chur-  
che may make no lawes / and suche other  
thynges / as foundynge of chaunteries,  
making of brotherhodes, and many mo.  
Wherein they shewe outwardly to ryse  
agaynst all the thynges before reherled,  
and to dyspyse them, and yet they knowe  
and beleue in theyr hertes, that all these  
thynges be of them selfe ryght good and  
profytable, as they be in dede, yf they  
were ordered as they shulde be. And  
somme persones there be, that throughe  
grace fynde defaute onely at the abusyon  
and mysse order of suche thynges, and  
speke nothyng against the thynges selfe,  
neither of purgatory / pylgremages / fet-  
tynges vppon of ymages / or suche oher.  
For they knowe well, they be ordeyned  
of god, and that the mysorder rysethe  
only of man for couetyse, singularitie, or  
some other suche lyke defaute, throughe  
perswasyon and dysceyte of the goostly  
enemye. And though some men haue  
mysta



mystaken them selfe in the sayd articles,  
yet dyuers other haue sayd, that yf they  
had bene well and charitably handeled,  
they myghte haue benne refourmed,  
and paraduventure saued in bodeye and  
in soule.

**A**nd vpon al these maters there is ry-  
sen a great opynyon in the people, in ma-  
ner vniuersally, that in punysshing and  
corrections all these persones before re-  
hersted shulde haue lyke punysshemente,  
yf spyrytuall men myght haue free liber-  
tye in that behalfe. And that spyrytuall  
men wolde, yf they coulde: as well put  
them to scilence / that speke ayenst the a-  
busyon or disorde of suche thynges, as  
be before rehersted / as them that speke a-  
yenst the thyng selfe. And many other  
murmours & grudges besyde these that  
be before rehersted, be amonge the peo-  
ple, mo than I can reherse now: but yet  
aboue all other, me thynketh that it is  
moost to be lamented and sorowed / that  
spyrytuall men / knowynge these grud-  
ges and murmuracions among the peo-  
ple, and knowynge also that many laye  
men haue opinion / that a great occasion  
As therof

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therof ryseth by spyrytual men/ and that they do no more to appease them ne to ordre them selfe in no other maner for the appeasyng of them, than they do.

For al that they do therin most commonly is this : they take it, that they that fynde defaute at suche abusions and disorders, loue no pzeestes: and therfore they esteeme that they doo of malyce all that they do, to distroye the churche, and to haue theyr goodes and possessions them selfe: And therfore they thynke it a good dede to se theym punysshed, so that they shall not be able to brynge theyr malyce to effecte. And therfore haue they punysshed many persons, which moche people haue iuged them to do vpon will, and of no loue vnto the people. And though spiritual men are bound in this case, for apersyng of these opiniōs in y people, whiche be so daūgerous as wel to spirituall men, as to tēporall men/ that many soules stonde in great peril therby, not onely to refoyme them selfe, and to leue and auoyde all thynges, that gyue occasyon to the people so to offende, that maye by charitie be omytted and lefte/ but also to  
fast,



fast, praye/were the heare/giue almes,  
and to doo other good dedes for them  
selfe and for the people, cryenge conti-  
nually to our lord, that these diuisions  
may cease, and that peace and concord  
may come agayne into the worlde: yet  
it appereth nat that they do so, but that  
they rather continue styll after the olde  
course, pretending by confederacies  
and worldely policies, and strepte cor-  
rections to rule the people, and that is  
greately to be laniented, and it wyl be  
harde for them to brynge it so about.

But yf they wolde a lyttle meken them  
selfe, and withdraue suche thynges as  
haue brought the people into this mur-  
moure and grudge: they shulde anone  
brynge a newe lyghte of grace into the  
worlde, and brynge the people to per-  
fyte loue and obedience to theyr superi-  
ours. And here me thynketh I myght  
saye ferther in one thyng / and that is  
this / that as longe as spirituall rulers  
wyl either pretende, that theyr aucto-  
ritie is so hygh / and so immediatly deri-  
ued of god, that the people are bounde  
to obeie them / and to accepte all that  
they



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they do and teache / withoute argumen-  
tes resistance oꝝ grudgynge ayenst them,  
oꝝ that they wyl pzetende, that no de-  
faulte is in them, but in the people, and  
wyl yet contynue styll in the same ma-  
ner, and after the same worldly counte-  
naunce, as they do now, and haue don  
late tyme past: The lyght of grace that  
is spoken of befoze, wyl nat appere, but  
that bothe partyes shall walke in this  
darknes of malice and diuision, as they  
haue done in tyme past.

¶ An other occasyon of  
this diuision.

The seconde Chapter.



Here haue ben made in ty-  
mes past many good law-  
es by the chyrch for y good  
oꝝdꝛe of spyrytuall men;  
which were right necessa-  
rye to be kepte to this day: whiche now  
be altered eyther by a lawe made to the  
contrarye, oꝝ by somme euylle custome  
brought bp and suffered agaynste them.  
And I shal bze fly recite some of them, as  
I haue

I haue founde them wrytten by other  
befoze this tyme.

**E**fyrste there was a lawe made / that  
a man well approued in his werkes and  
doctrine shulde be made a bysshop, and  
nat a chyld ne a carnall man / or that is  
vnlearned in spyrytuall thynges.

**A**lso that nothyng shulde be gyuen  
in any place for burys / confession, gy  
uyng of ordres / ne for any of the sacra  
mentes, nor for any promociion.

**A**lso that bysshoppes & prestes shuld  
nat be at vayne worldly sightes or pleyes,  
ne delyte in them.

**T**hat it is nat lafull for a bysshoppe  
or preeste to be absente on the sondaye,  
but to be at masses, and that fastyng.

**T**hat no preest shulde eat fleshe from  
Quinquagesime to Ester.

**T**hat prestes shulde fast Aduent.

**T**hat bysshoppes and prestes, and  
especialy monkes and religyous / shall  
studye in heuenly scriptures / all lernyn  
ges and practyses of litygyous thynges  
leste and set aparte.

**T**hat the bysshop shall euery yere go  
aboute his dioces with great diligence,  
and



and effecte.

**C** That heuently scriptures be redde at the bysshops table.

**C** That a clerke full of fowle wordes shall be put from his office.

**C** That the wages of clerkes shalbe gyuen after theyr merites.

**C** That pzeestes shal eschewe feastes at mariages.

**C** That clerkes shall comine in no tauerne.

**C** That a bysshope shall haue pooze apparell, lodgyng, and table, and fedynge for pooze men.

**C** That a bysshop shal not lyghtly stryue for transytorie thynges.

**C** That clerkes shulde rather studie, & theyr bretherne that varie be brought to peace, than to iudgement.

**C** That a clerke shulde instructe every man with his wordes, and to the entent that pooze men shuld not be greued, that they shulde get theyr lyuyng with some handy crafte, as saynt Paule dyd.

**C** That clerkes shall nat take vppon them the actes or procuracyng of secular men.

That



**T**hat laye men shal not make clerkes theyr factoures or gouernoures vnder them.

**T**hat monkes after the counseyle of Calcidonence, shalbe holly entendynge to fastynges and prayers in the places where they renounced the worlde, and that they forsake not theyr monasteries for no busynes of the churche ne of the worlde.

**T**hat clerk that customably be players at tables or hunters, shalbe prohybit of houslynge. And saynt Iohn Chrysostom vpon Mathewe the. xxi. Chapter sayth, that as of the temple comethe out all goodnes / so of the temple al euyl procedeth. And therfore it foloweth, that if preesthode be hole, all the churche flourisheth: And if it be corrupte, the fayth and vertue of the people fadeth also and falleth awaye: as if thou see a tree that hath wethered leues, thou knowest therby that there is a defaut in the rote / soo whan thou seest the people lyue out of good ordre, knowe it for certayne, that theyr preesthode is not hole ne sounde. And therfore if it were asked / where is now

now the deuocion and obedience of the inferiours, the defence of knyghtes, the peace of Christen prynces / to the ende that they, beyng at a concorde, myght resyst and feight against sismatikes and infidels, recoueryng agayne regions, whiche they haue nowe taken fro christen men, & peruerterd them: It myght be answered / that they be gone throughe bzekynge of suche lawes.

¶ Many of these sayenges and dyuces other here omittted, be the sayenges of Iohn Gers chāceller of Paris, in a treatise that is called in latyne, Declaratio defectuum viroꝝ ecclesiasticorum. In whiche treatyse he recyteth also dyuers abusyous / whereof I shall recyte parte vnder the maner of questyons for shortnes, as he doth, as well cōcernyng other countreys as this / that they may the rather be knowen and auoyded.

¶ Fyrst he asketh this question. What it auayleth / or what profiteth the church the superfluous pompe of prelates and cardynalles, and what meaneth it?

¶ Also that one man hathe. iiii. v. vi. or viii. benefices, whereof he is nat percase worthy



worthy to haue one, wherewith. viii. persons might be sustained, that giue them self to lernyng/prayer, & to the seruice of god: Here (saythe he) take hede. Whether hors, dogges, byrdes, and the superfluous company of men of the churche shulde rather eat the patrimonie of the churche, than the poore menne of Christ: or that it be expended in the seruice of god, and to the conuersion of infidels, or in suche other werkes of mercy and pietie: ¶ How many places (saythe he) ordeyned for the seruice of god in Rome or elles where / be now through the negligence of the prelates desolate and destroyed: ¶ How is hit that the swerde of holye churche / that is the sentence of Excommunication, to her owne dispite and reproofe, is so lyghtly drawen out: and for so lyttell a thyng (as sometyme for dette) is so cruelly executed vpon poore men: What is it also, that one cause vppon a smalle thyng shall contynue so many yerres: and why is not that lengthe of tyme / whiche is the spoyler and robber of poore men, in sonne conuenient maner



cutte away: why is it not rather mer-  
 cifully appoynted to the Jewes conuer-  
 ted, somme reasonable luyng of theyr  
 owne goodes rather than by extreme ne-  
 cessite to compelle them to forsake the  
 fayth agayne / and to reproue christen  
 men / that they be cruelle and haue no  
 pitie: Judge ye also (sayth he) whether  
 so great varietie of ymages & pictures  
 be expedient: and whether they do not  
 peruert som symple yfons to ydolatrie:  
 But here it is to be nooted / that Iohn  
 Gerson fyndeth not defaulte in settinge  
 vp of ymages / for he commendeth it in  
 many places of his werkes, but he fyn-  
 deth defaulte at the varietie of them in  
 theyr peynting and garnysshing with  
 golde / syluer, precious stones, and suche  
 other / with so great ryches about them /  
 that some symple persons myght lyght-  
 ly be enduced to beleue som special wor-  
 kyng to be in the ymages / that is not in  
 them in dede. And so he fyndeth defaute  
 at the abuse of ymages: and not at the  
 settinge vppe of ymages. Discusse also  
 (sayth the sayde Iohn Gerson) whether  
 so large exemptions as some haue / be  
 expe-

expedient : and whether it be profitable  
so to lede them fro they? ordinarres ?  
Serche also saythe he , if there be not  
some apocrifate wyptynges, or prayers/  
or hymnes by procelle of tyme / (some  
of purpose, som by negligence) brought  
bp to the hurte of the fayth : but than  
he asketh : whether al prelates and pre-  
stes be gyltie in the articles aboue reher-  
sed , and he saythe our lorde forbede it .  
For lyke as Helyas , whan he had went  
that all the people of Israell hadde bene  
fallen to ydolatrie / herde our lorde saye,  
I haue yet reserued seuen thousand me/  
that neuer bowed they? knees befoze  
Baale : ryght so it maye be sayde , that  
nowe in these dayes our lorde hath re-  
serued ryghte many good menne bothe  
spirituall and tempoꝛalle / that be not  
gyltie in any of the sayde articles, ne yet  
partie in any maner to the sayde diuy-  
syon , whiche through helpe of grace ,  
and with the fauour of the superiours /  
shall be ryghte well able to brynge the  
other to good accorde .



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**C**An other occasyon of  
this dyuysyon .

The thyzde Chapter .



Here be many lawes and de-  
crees made by the churche  
wherin it is recited , q<sup>d</sup> laici  
sunt clericis infesti , that is to  
saye , that laye men be cruell  
to clerkes / and therfore the churche hath  
therupon made dyuers lawes to opzesse  
that crueltie / as in them appereth . And  
therupon hath folowed , that whan pres-  
tes haue red the lawes / they haue iuged  
therby , that they<sup>r</sup> reulers haue knowen  
some great crueltie in laye men agaynst  
clerkes . For elles they wolde not haue  
put tho wordes in to they<sup>r</sup> lawes , and  
that hath caused many spy<sup>r</sup>ituall men  
to adiuge the more lyghtly , that suche  
thynges as laye men haue done concer-  
nyng them , hath rather ben done of ma-  
lice and cruelte than otherwise , and that  
iudgement in proce<sup>s</sup>s of tyme hath cau-  
sed them to confedze them selfe togider ,  
to resiste that malice / whiche they many  
tymes by occasion of the sayde wordes ,  
haue



haue iudged to be greater than it was,  
and haue many tymes recited the woꝝ  
des / affermyng them to be true : and  
therfore they haue extended all lawes /  
that be made agaynst laye men the more  
extremely agaynste them : Whereby the  
people in many countreys haue ben so  
ofte greued and oppressed that they ha  
ue grutchted marueylously at it . And  
whan laye men haue redde tho woꝝdes,  
they haue takē therby , that the makers  
of tho lawes / whiche represent in them  
the estate of al spyꝛituall men, haue iud  
ged that the makers therof thoughte,  
that lay men were cruelle agaynst them  
and where cruelte is iudged to be / there  
is no loue. For like as nothyng helpeth  
more to nouryshe loue in a man / thā that  
he maye knowe , that the other louethe  
hym, though he neuer receyued any pro  
fyte by hym : so nothyng nourysseth  
more dyuysion and disorde, than that a  
man know that another loueth him not /  
though percase he knowe / that he neuer  
dyd hym hurte / ne entendeth not to do .  
And therfore whan lay men haue by tho  
woꝝdes taken occasyon to thynke / that

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Spyrytuall men haue adiudged crueltie in  
them: they haue anon iudged that spy-  
ritual men loue them not and that hath  
in theyr hartes broken y charitable loue  
and obedyence/that they ought to haue  
to spyrytuall reulers: and thoughe the  
occasion of this article be not vniuersal  
ly (for al lay men haue not sene tho wor-  
des) yet the reporte of tho wordes hath  
come to the knowlege of many lay men,  
as well by spyrytuall men as by tempo-  
rall men, that haue redde them: whiche  
by longe contynuaunce hath noysshed  
one great branche of this diuision/whi-  
che I suppose verily wylle neuer fullye  
be appeysed, tyll the spyrytuall gouer-  
nours wil be as dilyget to make lawes,  
that shal brynge in mekenes among spi-  
rytuall men, and that may enduce them  
charytablye to suffre some tyme them  
that offende them, as they haue bene in  
tyme past to make lawes to set spyrytu-  
all men in suche case, that they may cor-  
recte all them and kepe them vnder, that  
wyl any thyng resiste them. And lyke  
as many spirituall men haue mysordred  
them selfe agaynste laye men, not onely  
in



in suche thynges as be partely touched  
 befoze, but also in wordes / affermyng  
 somtyme, that lay men loue not prestes:  
 so in likewise some lay mē misorde the  
 selfe in wordes agaynst prestes, and wil  
 say, that there is no good preste, or that  
 all prestes be nought: and some, as it is  
 sayde / wyl call them somtyme horsen  
 prestes. And if all these wordes were  
 prohybte on bothe sydes vpon greate  
 paines / I thynke it wold do great good  
 in this behalfe.

**C**An other cause of this  
 dyuysion

**The fourth Chappyter.**



**T**he harde & extreme lawes  
 that are made for layenge  
 violent handes vpon cler-  
 kes, and suche other spy-  
 rytual persons / hath ben  
 an other cause of this diuision. For they  
 be very parcyalle / as to the reders wylle  
 appere, and they be also so generalle,  
 that



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that nether kynge nor lord be not excepted in them, but that they shulde goo to the pope to be assayed. And the sayde lawes be. xvii. q. iiii. si quis suadente diabolo et ex. de sentenc. excommunicac. ca. Non dubiu et Ca. mulieris: et Ca. peruenit: et ca. ea noscitur. & in many other chapters there/et ex. de sentenc. excommunicac. li. vi. ca. religioso. And these lawes be suche / that if a manne in violence lay his hande only vpon a clerke / that he is accursed: but though a clerke beate a laye manne wrongfully / and with violence, he is not accursed. And this parcialyte hath done greatte hurte.

An other occasion of this  
dyuysion.

The fyft Chapter.



Though there be dyuers  
good and reasonable articles  
ordeyned by y church  
to be redde openly to the  
people at certain daies, by  
the church theto assygned / which com  
menly

menly is called the general sentence: yet  
manye curates and theyr parych prestes  
sometyme rede onely parte of the arty-  
cles/and omittte parte therof/eyther for  
shortnes of tyme / or els to take such ar-  
tycles as serue moſte to theyr purpose.  
And somtyme, as it is sayd/they adde o-  
ther excomunicaciōs after their mynde,  
that be not putte in to the sayde general  
sentence. And whan the artycles be so  
chosen out / they ſounde to ſo great par-  
cialite and fauour for ſpiritual men, ey-  
ther for payemēt of tythes, offerynges,  
mortuaries/and ſuche other dueties to  
the churche, or for the mayntenance of  
that they calle the liberties of the chur-  
che, as that no preſte nor clerke. &c.  
ſhal not be put to anſwere befoze lay mē  
ſpecyallye where theyr bodyes ſhuld be  
arrested, or that no impositions ſhulde  
be layde vpon the churche by tempoꝝall  
power, or agaynſt them that with vio-  
lence lay handes vpon preſt or clerk/or  
ſuche other: that the people be greatly  
offended therby, and thynke great par-  
cialite in them, and iuge them rather to  
be made of a pryde and couetyſe of the  
churche:



churche : than of any charite to the people , wherby many doo rather dyspplse them than obeie them . And I suppose verely , that this diuision wyl neuer be perfittely and charitably reformed and brought to good accorde , tyll the people come to this poynt / that they shall greatly feare and drede to runne in to the leeste censure of the churche . And that wyl neuer be , tyll the heedes spirytuall wyl reforme them selfe , and shewe a fatherlye loue vnto the people , and not extende the sentences of the churche vppon so lyghte causes , and vppon suche parcialtye , as they have doone in tyme paste . And if they wyl reforme these poyntes before rehersed , and somme other hereafter folowynge , I suppose verely the people wylle gladdely here them and folowe them . For than , as the gospelle saythe they be they? verie shepardes . Wherefore yf it were ordeyned as well by auctoritie of parlyamente as of conuocation / that suche artycles shulde be dyscussyd and putte in to the generall sentence , that shulde styre as well spirytual



tuall menne, as tempoꝛalle menne to  
 loue vertue / and flee vyces / to loue  
 trouthe and plainnes, and to flee falshod  
 and doublenes / and that none vpon a  
 payne shulde adde oꝛ dymynysh the any  
 thyng concernynge the sayde articles:  
 I thynke it wolde helpe moche to make  
 a good agrement of this diuision, and to  
 contynue the same, with loue and dꝛede  
 betwixte the reulers spirituall and the  
 people, as there oughte to be. And yf  
 lyke artycles were deuised to refrayne  
 spyꝛituall men fro gyuyng hereafter  
 any ferther occasion to this diuision, oꝛ  
 any other lyke: and they to be redde at  
 visitations / Seenes, & suche other lyke  
 places / wher prestes assēble by cōmande  
 ment of theyꝝ oꝛdinarie / with certayne  
 paynes to be appoynted by parlyamēt &  
 conuocation: I thynke it wolde byng  
 many thynges in to good oꝛder / and  
 helpe moche to a good reformation of  
 this diuision.

**C**An other occasion of this  
 diuision.

**The syxt Chapter.**

**An**

A treatise .



Another occasion of this di-  
uysion hath partly rylen  
by temporal men, that haue  
desyred moche to haue the  
famyliaritie of preestes in  
theyr games and disportes, and haue  
vled to make moche more of them that  
were compenable, thanne of them that  
were not so, and haue called them good  
felowes and good companions. And  
many also wolde haue chapleyns, whi-  
che they wolde not onely suffre / but also  
comaunde to go on huntynge, haukynge /  
and suche other bayne disportes. And  
some wolde lette them lye among other  
laye seruauntes, where they coulde ney-  
ther vse prayer nor contemplation.

¶ And some of them wolde suffre them  
to go in lyueries not conuenient in co-  
lour for a preste to were, and wolde also  
many tymes set them to worldely offy-  
ces, as to be bayliffes, receiuours / or ste-  
wardes: and than whan they haue by  
suche occasyon bene moche beten / and  
greatly exercysed in suche worldely bu-  
synes / so that the inward deuocyon of  
the harte hath ben in them as colde and  
as



as weke in maner, as in laye men, yet yf  
any benefyce haue fallen beyde of theyr  
gyft, they wolde pzeferre them to it / ey-  
ther as in recompens of theyr busynes  
and labours, or for that they were good  
companyons: rather than another good  
deuoute man / that percase is lerned and  
kepeth hym selfe fro suche worldely van-  
nyties and ydle company, or that is dys-  
posed somtyme to admonyshe charyta-  
bly suche as he is in company with, of  
suche defautes as he seeth or hereth of  
them / and that few men do loue to here:  
And therfore wyl they pzeferre them /  
that wyl let them a lone. And yet whan  
they haue so done, they wyl anone speke  
euyl of pzeestes / and reporte great lyght-  
nes in them, and lyghtly noote one pzeest  
with an nother pzeestes defaute, and that  
whan they haue ben partly occasioners  
to theyr offences them selfe, as it is sayd  
before. And this demenour hath thurgh  
a longe contynuaunce noysshed some  
parte of this dysuysion, and so wyl it do  
as long as it cotinueth. And also where  
by the lawe / pzeestes ought to be at the  
churche on sondayes & holy dayes, and  
helpe



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help forth the seruitce of god in the quere  
and oughte also whan they be there to  
be ordered by the curate: yet neuer the  
lesse many men that haue chapleynnes,  
wyl not suffre them to come in the pa  
rtyll the churche, and whan they be there,  
they wyl not haue them ordered by the  
curate, but after them selfe: ne see them  
be in the quere, but sendeth them many  
tymes on other errandes, and that in  
worldly matters, as customably as they  
do other seruauntes, and many suche  
chapleynnes shewe them selfe euydently  
by theyr diligence in that behalfe / to be  
better contente to do that busynes, than  
to be in the quere / and that maketh the  
curates and the neyghbours bothe to  
thynke a great lyghtnes in them, and to  
discōmende them for it, and whan they  
here of it, they be also discontented, and  
theyr maysters bothe, and saye the o  
ther haue no thyng to do with it, and  
commonly other chapleynnes wyl take  
parte in suche matters: wherupon dy  
uers grudges and variances haue risett  
in many places / that haue done greatte  
hurte in this behalf. And as it is in this  
case

case of chapleyne, and setyng prestes,  
so it is also of chantry prestes & brother  
hoode prestes in many places. And as it  
semethe these articles myght be holpen  
thus, that is to say / that it be prohibyted  
vpon a payne, that no preeste shall here-  
after customably vse huntynge / haw-  
kyng, cardes / dyce / nor suche other  
games vnsyttynge for a preeste though  
percase he maye as for a recreation vse  
some honest disportes for a tyme: ne cus-  
tomably vse the ale house or tauerne.  
And if any preeste vse any such vnlawful  
games or other demenour, not conueni-  
ent for a preest, so moche that the people  
be offended by it, and fynde default at it,  
that than yf he be warned therof by an  
abbot and a Justyce of the peace of the  
shire / where he is dwellynge, and yet he  
do not refozme hymselfe: that than be-  
syde the sayde payne, he be by conuoca-  
tion suspended fro ministryng the sacra-  
mentes, and be disabled to take any ser-  
uyce, tyll he be enabled agayne by the  
kyng and the ordinacie. And that it be  
ferther enacted / that no man shall haue a  
chapleyne hereafter / but he haue a ston-  
dyng



dyng house/and that onely in his ston-  
dyng house, and none to haue a rydyng  
chapleyne vnder the degree of a baron/  
and that he that hath a stondyng house,  
and hath also a chapleyne, shall byppon  
a payn prouide for his chapleyn a secret  
lodgyng with locke & key/that he maye  
lodge fro the comen recourse of the  
laye seruantes, and vse hym selfe therin  
conueniently in redyng/prayer, or con-  
templatyon/or suche other labours and  
busynes as be conuenient for a preeste  
to vse.

**C**An other cause of the sayd  
dysuision.

The seventh Chappter.

**A**n other occasion of the said  
dysuision hath bene/ by rea-  
son of dyuers sutes, y haue  
ben taken in y spiritual cour-  
tes of offyce, y is called in latyn, ex officio:  
so y the pties haue not knowen who  
hath accused them, & therupon they haue  
somtyme ben caused to abiure in causes  
of heresies: somtyme to do penaunce, or  
to

to pay great sommes of money for redemp-  
myng therof, whiche veracion & char-  
ges the parties haue thought haue come  
to them by the iudges and the offycers  
of the spyrytuall courte / for they haue  
known none other accusers / and that  
hath caused moche people in diuers par-  
tyes of this realme to thynke great ma-  
lice and parcialtye in the spiritual iud-  
ges. And yf a man be ex officio brought  
before the ordynarye for heresy / yf he be  
notably suspected of heresye: he muste  
pouerge hym selfe after the wyl of the or-  
dynary / or be accursed, and that is by the  
lawe, extra de hereticis. Ca. Ad abolen-  
dam. And that is thoughte by many to  
be a very harde lawe, for a man may be  
suspected and nat gyltie, and so be dzy-  
uen to a purgaciō without profe or with-  
out offence in hym, or be accursed: and  
it appereth de hereticis. li. vi. in the cha-  
piter In fidei fauorem, that they that be  
accursed, and also partyes to the same  
offens may be wytnes in heresie: and in  
the chapiter accusatus, pag. licet, it appe-  
reth, that yf a man be sworne to save the  
trouthe concernynge heresie, as well of  
C hym



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hym selfe as of other / and he fyrste confesseth nothyng, and after contrarye to his fyrst sayenge he appeleth bothe hym selfe and other: yf it appere by manifest tokens, that he doeth it nat of lyghtnes of mynde, ne of hatred / no: for corruption of moneye: that than his wytnes in fauoure of the faythe shall stonde as well agaynste hym selfe, as agaynste other: and yet hit appereth euidentlye in the same courte, and in the same matter that he is a periured persone.

This is a dangerous lawe, and moze lyke to cause vntrewe and vnlawfulle men to condempne innocentes, than to condempne offenders. And it helpeth lyttell, that if there be tokens / that it is nat done of hatred / no: for corruption of money: that it shulde be taken: for some tyme a wolfe may shew hym selfe in the apparelle of a lambe. And yf the iudge be parcyall, suche tokens may be soner accepted than truely shewed. And in the chapiter there, that begynneth Statuta quedam / it is decreed, that yf the Bysshoppe or other enquerours of heresy, se that any greate daunger myghte come  
to

to the accusours or wytnes of heresie by the great power of them that be accused: that than they maye commaunde, that the names of the accusours or wytnesse shall nat be shewed but to the bysshop or enquerours / or suche other lerned men as be called to them, and that shall suffice; thoughe they be nat shewed to the partie. And for the more indemnitie of the sayde accusours and wytnesse it is there decreed, that the bysshoppe or inquerours maye enioyne suche as they haue shewed the names of suche wytnes vnto, to kepe them close vpon payn of excommunication, for disclosyng that secreete without theyr lycens. And surely this is a soze lawe / that a manne shall be condempned, and nat knowe the names of them that be causers therof.

¶ And though the sayd lawe seme to be made vpon a good consideration for the indemnitie of the accusours and wytnes, yet it semeth that that consydera- cyon can nat suffyce to proue the lawe reasonable. For it semeth that the accusours and wytnes myghte be saued fro daunger by another way / and that is by



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this way. If the bysshop or inquerours  
drede that the accusours and wytnes  
might take hurt, as is sayd before: than  
myght they shewe it to the kynge and to  
his counsaylle / besechynge his grace of  
helpe in that behalfe, to saue and defende  
the accusours and witnes fro the extort  
power of them that be accused: And yf  
they wold do so: it is nat to suppose, but  
that the kynge wold sufficiently prouide  
for theyr saufegarde: But for as moche  
as it shulde seme, that spyrytuall men  
somwhat pretende to punyssh heresydes  
only of theyr owne power, without cal-  
ling for any assistance of the tempoꝛal po-  
wer / therfore they make suche lawes / as  
may helpe for the theyr purpose, as they  
thynke: but surely that is nat the charita-  
ble way, to put the knowlege of the na-  
mes of the accusours and witnes fro hym  
that is accused, for yf he knew them, he  
might percase allege and proue so great  
and so behemente cause of rancoure and  
malice in the that accuse hym, that theyr  
sayenges by no lawe ought nat to stand  
agaynst hym. And that spyrytuall men  
pretende, that they onely shuld haue the  
hole

hole inquerie and punisshment of heresy,  
 it apereth extra de hereticis .li. vi. ca. vt  
 inquisitionis, pag. prohibem<sup>9</sup>: where  
 all powers / and al lordes temporall and  
 reulers be prohibite / that they shall nat  
 in any maner take knowlege o<sup>r</sup> Judge  
 vpon heresie, sithe it is mere spirituall,  
 and he that inquereth of heresie, taketh  
 knowlege of heresie. And so the summe  
 called summa rosella, taketh it titulo ex  
 communicac. perag. iiii. And yf that be  
 true, it semeth than that all iustices of  
 peace in this realm be excommunicate: for  
 they by auctoritie of the kinges commissi  
 ons and also by statute inquere of here  
 sies. And I thynk it is nat in the church  
 to prohibite that: for though it were so,  
 that the temporall men maye nat iudge/  
 what is heresie and what nat, yet they  
 may, as it semeth, by they<sup>r</sup> owne aucto  
 ritie inquere of it / and enforme the ordi  
 narie, what they haue founde. And also  
 yf a metropolytane with all his clergye  
 and people of his dioces fel into herisie:  
 it wolde be harde to redresse it withoute  
 temporal power. And therfore temporal  
 men be redye and are bounde to be redy



A treatise.

to oppresse heresies / whan they rylse : as  
spirituall men be. And therfore spiritual  
men may nat take all the thanke to them  
selve / whan heresyes be punysshed , as  
thoughe they charitie and power onely  
dyd it , for they haue the fauor and helpe  
of tempoꝛall men to do it , oꝛ elles many  
tymes it wolde nat be brought about .

Neuertheles my entente is nat to proue  
the said lawes all holly to be cruell & vn-  
reasonable, for I know well, yf it is right  
expedient, that strait lawes be made for  
punysshment of heresies, that be heresies  
in dede , moze rather than any other of-  
fence, and that the discretion of the iud-  
ges spyꝛituall may ryght well aswage  
the rygour of the sayde lawes , and vse  
them moze fauorably agaynst them that  
be innocent , than agaynst them that be  
wylfull offendours, yf they wyl chary-  
tably Terche for the truthe. But surely yf  
the sayde lawes shulde be put in to the  
handelynge of cruell iudges , it myghte  
happen that they shulde many tymes pu-  
nyssh innocentes as wel as offendours /  
but I trust in god, it is nat so. Neuer the-  
les whether it be soo oꝛ nat / certayne it  
is,

is that there is a great rumour amonge  
the peple, that it is so / & that spiritual mē  
punyſſhe nat heresye onely for zeale of the  
fayth, and of a loue & a zeale to the people,  
with a fatherly pietie to them that so of-  
fende / as they oughte to do / how greate  
offenders so euer they be, but that they  
do it rather to oppresse thē that speke  
any thyng agaynste the worldly power  
or ryches of spyrytuall men, or agaynste  
the greate confederacie, that ( as many  
men say ) is in them to maynteygne it.  
And though many spyrytuall men may  
be founde, that haue ryght many greate  
vertues and great gyftes of god, as cha-  
stytie, lyberalytie, pacyence, sobrenes,  
temperaunce, cunnyng, and suche otyer /  
yet it wyl be harde to fynde any one  
spyrytuall man, that is nat enfecte with  
the sayd desyre and affection to haue the  
worldely honoure of prestes exalted and  
preferred / & therfore if any lay mā report  
any euyl of a preeſt / though it be openly  
knownen / that it is as he sayeth, yet they  
wyl be more diligente to cause the laye  
man to cesse of that sayenge, than to do  
that in theym is, to reſourme that is a



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myſſe in the pꛛeeſt / that is ſpoken of, ta-  
kyng as hit were an occaſion to doo  
the leſſe in ſuche reformacions, bycauſe  
laye men ſpeke ſo moche agaynſt them:  
But ſurely that wyl be none excuſe to  
ſpyꝛituall rulers afoꛛe god / whā he ſhal  
aſke accompte of his people / that were  
comyncted vnto theyꝛ keepynge.

**C** And if this diuiſion be ſuffred to con-  
tinue, it is nat vnylyke, but that greate  
bendynge ſhall folow on bothe parties,  
whereby great hurte and inconuenience  
may growe vnto moche people. And I  
ſee none that may ſet a meane waye be-  
twene theſe extremities, ne that mindeth  
any thyng to do good in it, but the kyn-  
ges grace and his parliamente. And I  
thynke verely that they are bounde in  
conſcience to folowe it with effecte, tyll  
the diuiſion be clerely ceſſed. Our lorde  
of his mercy ſende them grace to do it.

Amen.

**C** An other occaſyon of this  
dyuſyon.

The eyght Chappter.

It



**I**t is a common opinyon among doctours, that none is an heretike for that onely that he erreth / but for that he defendeth oppynatyselye his errour. And therefore he that erreth of simplicitie, may in no wyse be sayd an heretyke. And summa rosella, in the tytyle hereticus in principio, sayeth: that a man may erre, and merite thereby: and he putteth this example. If a symple vnlearned man here the preachynge of his byshop / that preacheth happily agaynst the faith / and he beleueth it with a redy mynde to obey: this man meriteth, and yet he erreth: but that is to be vnderstonde where ignorance excuseth. Than it seemeth, that it is nat ynough to proue that a mā is an heretike / for that he hath holden opinions ayenste that the church teacheth / ne that he oughte nat to make any purgation nor abiuration for it: for that that he hielde in suche case was nat his faythe / but the faythe of the churche was his faythe, though happily he were nat than fully auysed of it. And therefore saynt Aidan, whan he helde the wronge

C s      parte



parte of keepynge of Eſter was no he-  
 retike/and ſome ſaye that ſaynt Chadde  
 was of the ſame opynyon as ſaynte Aly-  
 dan was, whiche in lyke wyſe was no  
 heretike, for they deſyre was to knowe  
 the truthe; and therefore it is nat redde  
 that they made eyther purgacyon or  
 abiuracion, ne yet the abbot Joachym,  
 whiche neuertheles erred / for he was  
 redy to ſubmytte hym to the determinacyon  
 of the chyche/ and therfore he was  
 neyther holden as an heretike / ne com-  
 pelled to abiure. Than yf this be ſothe,  
 it were greate pitie/ yf it ſhulde be true,  
 as is reported, that there ſhulde be ſo  
 great a deſyre in ſome ſpyrytuall men to  
 haue men abiured, or haue the extreme  
 punyſhement for heresie / as it is ſayde  
 there is. For as ſome haue reported, yf  
 any woll wytnes, that a man hath ſpo-  
 ken any thyng, that is heresie, though  
 he ſpeke it onely of an ignoraunce, or of  
 a paſſyon, or if he canne by interrogato-  
 ryſes and questions be dzyuen to confeſſe  
 any thyng / that is prohybited by the  
 churche: anone they wll dzyue hym to  
 abiure, or holde hym atteynted with-  
 oute

out examining the intent or cause of his  
layenge, or whether he had a mynde to  
be reformed or nat: and that is a verie  
soore way, our lord be more mercifull  
to our sonles, than so greuouly to pun-  
nysh the vs for euery lyght default.

And here some saye that bycause there  
is so greate a desyre in spyrytuall men,  
to haue menne abiure / and to be noted  
with heresye / and that some, as it were  
of a polycye, do noyse it, that the roy-  
aulme is full of heretyckes, more than  
it is in dede: that it is very peryllous,  
that spyrytuall men shulde haue aucto-  
rytie to arrest a man for euery lyght sus-  
pection, or complaynte of heresye, tyll  
that desyre of punysshement in spyrytu-  
all men be ceased and goone: but that  
they shulde make procelle agaynst them  
to brynge theym in vppon payne of cur-  
syng: and thanne, yf they tary forty  
dayes, the kynges lawes to brynge them  
in by a wrytte *De excommunicato ca-  
piendo*, and so to be broughte fourthe  
oute of the kynges Gaole to answer.  
But surely, as it is somewhat touched  
before



before in the. bii. chap. it semeth that the church in tyme past hath don what they coulde to brynge about, that they might punyſhe the heresie of them ſelfe / without callinge for any helpe therein of the ſeculer power .

**A**nd therefore they haue made lawes that heretykes myghte be arreſted and put in pryſon / and ſtockes yf nede were / as appereth Clementinis de hereticis . Ca. multorum querela . And after at the ſpeciall calling on of the ſpiritualtie / it was enacted by parlyament . that ordynaries myght arreſt men for heresie : for ſumme men thynke , that the ſayde Clementyne was nat of effect in the kynges lawe to arreſt any man for heresie : But if a man were openly and notably ſuſpected of heresie / and that there were ſufficient recorde and wytnes agaynſt hym / & there were alſo a doubtte that he wolde flee and nat appere , wherby he myghte infecte other : it ſemeth conuenient that he be areſted by the body : but nat vpon every lyght complaynt, that full lightly may be vntrewe . And it wyll be ryght expedient, that the kynges highnes and  
his

his counsaile loke specially bpon this matter, and nat to ceasse / tyll hit be brought to moze quietnes than it is yet, and to se with great diligēce, that pride, couetise, noz worldly loue be no iudges, noz innocentes be punysshed, ne yet that wylfull offenders go nat without dewe correction.

**C** An other cause of this diuision.

**C** The. ix. Chapter.



**A**n other occasion of this diuision hath risen by the extremities that haue ben shewed in sutes taken in the spyrytuall courtes, by spyrytuall men, for there hath therby risen an opiniō among moche people / that a man were as good or better to let a spyrytuall man haue at the begynnyng all that he demaūdeth, as to stryue with hym in the spyrytuall lawe for it. In so moche / that as it is sayde suche extremities haue bene vsed in the spyry



spirituall lawe for tythes, that no pre-  
 scription/custome, composition, nor other  
 plea shall be admittted in the spirituall  
 lawe agaynst them. And surely yf that  
 be trewe, it is a great paralyte, and a  
 great denyng of Iustyce. And therfore  
 it wolde be refourmed. And as for mor-  
 tuaries they be aduulled all redy by sta-  
 tute: But yet begynneth to ryse oone  
 thyng to maynteyne the fyrst dyuysion  
 concernynge suche mortuaries, yf it be  
 suffered to contynue, and that is / that  
 many curates / nat regardynge the kyn-  
 ges statute in that behalfe, perswade  
 theyr paryllhens, whan they be sycke,  
 to beleue that they can nat be saued, but  
 they restore them as moche as the olde  
 mortuarie wolde haue amounted to.  
 And surely, the Curates that by that  
 meanes get any recompence, by gyfte,  
 or by quest, are bounde in conscience to  
 restytucion. For he is deceyued in his  
 gyfte or bequest. For it procedeth nat  
 of a free libertie / but vppon that vntreue  
 infournacyon. And lyke as a contracte,  
 wherby a man is deceiued in that thyng  
 that is solde, holdeth nat in conscience,  
 as

as yf a manne selle copper for golde, or  
wyne myrte with water for pure wyne:  
and so it is whan a man maketh a gyfte  
or a bequeste vpon an vnttrue surmyse.  
And that no man is bounden in conscy-  
ence to restore for his mortuarpe now,  
sythe the statute of Mortuaries was  
made/ it maye appere thus. It is hol-  
den by them, that be lerned in the lawe  
of this realme, that the parlyamente  
hathe an absolute power, as to the pos-  
selsyon of all temporall thynges within  
thys realme, in whose handes so euer  
they be / spyrytuall, or temporalle / to  
take theym from one manne, and gyue  
theym to an other / wythoute any cause  
or consyderacyon. For yf they doo it,  
it byndeth in the lawe. And yf there  
be a consideracion/ that hit byndethe in  
lawe and conscience. And certayne it is,  
that all suche Mortuaries were tem-  
poralle goodes / though they were  
claymed by spyrytuall menne: And  
the cause why they were taken awaye  
was, for as moche as there were fewe  
thynges within this realme, that caus-  
ed moze barpaunce among the people,  
than



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than they dyd / whan they were suffered :  
for they were taken so farre agaynst the  
order of the kynges lawes , and agaynst  
Iustyce and ryght as shall hereafter ap-  
pere . fyste they were taken nat onely  
after the dethe of the husbande , but also  
after the dethe of the wyfe , whiche after  
the lawes of the realme had no goodes ,  
but that it was taken of the husbandes  
goodes / and they were taken also of ser-  
uauntes and chyl dren as well infantes  
as other . And if a man died by the waye ,  
and had an housholde in an other place ,  
he shulde paye mortuaries in bothe pla-  
ces . And some tyme whan the parson /  
and vicar of a church appropried / vari-  
ed for the mortuaries , the people ( as it  
hath ben reported ) haue ben enforced , et  
they coulde sytte in tesse / to pay in some  
places mortuaries to them bothe . And  
sometyme the curates wolde prohybte  
poze men to sell theyr goodes in tyme of  
theyr sicknes , if they were suche goodes  
as were lyke to be theyr mortuaries : for  
they wolde say it was done in defraude  
of the churche . And yf the quyk goodes  
were better than the deed goodes , they  
wolde

wolde in some places take the quicke :  
And yf the deade goodes were better  
than the quicke , they wolde take the  
dead . And the mortuaries muste be de-  
lyuered furthewith , or elles the bodey  
shulde nat be buryed . And they prescry-  
bed to haue ryghte to mortuaries onely  
by the prescription of the spirituall lawe .  
And vnder that maner mortuaries en-  
creassed dayly in manye places / where  
they hadde nat bene vsed befoze / and of  
lykelyhode wolde haue gone farther , yf  
they had nat ben stopped in tyme . And  
they were in many places taken in suche  
maner / that it made the people to thynk ,  
that the curates loued theyr mortuaries  
better than theyr lyues . And thereupon  
rose in many places great diuision and  
grudge betwyxte theym , whiche broke  
the peace , loue , & charitie that shuld be  
betwene the curate and his paryshens ,  
to the greate vniquietnes of many of the  
kynges subiectes , as well spirituall as  
temporall / and to the great daunger and  
perylle of theyr soules . For these causes  
the said mortuaries be adnulled by par-  
lyament / as well in conscience as in the  
lawe :



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lawe: And yet it is sayde that some curates vse great extremities concerning the sayde mortuaries a nother waye: and that is this. If the executors at the fyrste request pay nat the money that is appoynted by the statute they wyl anon haue a citacion agaynst hym, And there he shalbe so handeled, that as it is sayde, it hadde ben mooste commonly moche better too hym too haue payde his olde mortuarie, than the costes and expenses that he shall paye there. And yf it be so, it wolde be refourmed. And surely this matter wolde be groundly loked vpon: for some men saye, that the sute in that case oughte to be taken in the kynges courte/and nat in the spyrytuall courte.

Other occasions of this  
diuision.

The tenth Chappter.



He extreme and couetouse  
demeanour of some curates  
with theyr parischens/wher  
of mencion is partely made  
hereafter, hath ben an other  
cause

cause of this diuision: And though many spyrytuall men be nat felowes with them in the extremities: yet non of them that haue ben best and moost indifferent haue nat done any thyng to refourme theym that vse suche extremities / ne to make them thynke, that any default is in theym in that doyng: but rather, as it were with a deafe eare, haue dissimuled it, and suffred it passe ouer / and haue endeouored them selfe more to oppresse all the lay people, that wolde speke against it, than to refourme them that do it.

And some of the sayde extrenytyes be those. Some say, that in takynge of tythes, curates in some places wylt haue the .i. parte of euery thyng within the parryshe, that is tythable, though theyr predecessours withoute tyme of mynde, haue bene contented withoute hit: and though there be sufficient besyde for the curate to lyue on, or though he hath nat knowen, but that percase some other thyng in olde tyme hath bene assigned in recompens for it. And in som place is asked, as it is sayde, tythe bothe of chepys and egges, and in some place of



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mylke and chese, and in some place the  
x. parte of the ground, and also of that  
that falleth on the groude. And in some  
places is claimed tithe of seruantes wa-  
ges without deduction: And it is but in  
few places that any seruaunte shall goo  
quite without som tithe payeng / though  
he haue spent al in syckenes, or vpon his  
father and mother / or suche other ne-  
cessarie expences.

And in som places if a parisshe haue nat  
x. calues that yere, the curate wyl put  
the tythyng of tyll another yere / and  
than to take a tythe calfe, accomptyng  
bothe yeres togyther / rather than he  
wold the fyyst yere take the money, that  
is in that case assigned by the lawe. And  
they doo lyke wyle of lambes, pygges,  
and suche other thynges. Also in many  
places the curates take more at mar-  
ryages, buryals, and obites, than they were  
wont to do, and wyl nat bury a straun-  
ger that dyeth within the parisshe, but  
he haue some what for it. Also some cu-  
rates / whan there is any variaunce be-  
twene hym and any of his parisshe, or  
that any of his parisshe be in his det,  
hath

hathe prohybte them fro howsell tyll  
he be payde. And it hathe bene somtyme  
sene, that whan a pooze man hathe ben  
sette to be houseled, the curate hathe be-  
foze all the paryshe vpon some suche dis-  
pleasure caused hym to ryse and goo a-  
wayne without housell, to his rebuke.  
And though these abusyons be nat vsed  
vnyuersallye (god forbyd they shulde)  
for there be many good curates and o-  
ther spyrytuall men, that wolde nat vse  
them for the wynnynge or lesynge of no  
erthly thynges: yet whan people of dy-  
uers contrees mete to gyther, and one of  
them telleth an other of some suche extre-  
mities in some curates in his contreye,  
and the other lyke wyse to hym: anone  
they esteeme suche couetyse and extreme  
delynge to be in al curates. And though  
they do nat well in that doyng / for the  
offence of one prieste is no offence to an  
other, yf they so wyl take it: yet spiri-  
tuall men do nothyng therin to byn-  
ge the people oute of that iudgement, but  
suffre suche abusions to be vsed by some  
of them continually without coꝛrection/  
and (as I haue sayd befoze) wyl rather  
D; labour



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laboure to stoppe the mouthes of them,  
that wyl fynde default at suche demea-  
noure, than to helpe to reforme them  
that do it. And surely as longe as they  
do so, hit wyl be very harde to haue a  
good vnitie and peace in this behalfe.

Other causes of the sayd  
diuision.

The.xi. Chapter.



Another thynge that hath  
caused y people to grudge  
agaynste the pope & other  
spirituall rulers hath ben  
the grauntynge of par-  
dons for money. For whā  
it hath benne noysed, that the money  
shulde be bestowed to somme charitable  
vse, as vppon the buyldynge of sayncte  
Peters churche in Rome, or to suche o-  
ther charitable vse: it hath appered af-  
terwarde euidently, that it hath nat ben  
disposed to that vse. And that hath cau-  
sed many to thynke that the sayde par-  
dons were graunted rather of couetise,  
than of charitte, or for the helthe of the  
soules

soules of the people. And therupon some haue fallen in maner in to dyspyllynge of pardons, as though pardons graunted vpon suche couetise, shulde nat auaille. And because the people be greatly deceyued in that iudgemente/ for as to the taker, the pardone is good, though the grauntoz offend in his grauntynge of the pardon. Therefore it is right necessary/ that the rulers take hede, that pardons be herafter graunted in suche charitable maner, that the people shall haue no occasion ne coloure to thynke, that they be graūted of couetice: And than the graūtours shall profytte them selfe in theyz graunte/ and the people also in theyz takynge, and elles it maye lyghtely hurte them bothe. And verely it were greate pitie, that any myslykynge of pardons shulde growe in the hertes of the people for any misdemeanoz in the grauntours or other wyse/ for they be ryghte necessarye. And I suppose that if certein pdons were graūted frely without money, for sayeng of certein prayers therin to be appointed, that all mislikynge of pardons wolde shortly cesse and vanyshe away.



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**C**An other cause of this  
dyupſion.

The. xii. Chaptyter.



**A**n other cause of this dyupſion hath bene by reason of dyuers lawes and constitutyons whiche haue bene made by the churche, sometye by the Pope, sometye by Legates/oz by Metropolitanes in theyꝝ prouince: wherin they haue many times exceded theyꝝ auctoritie, and attempted in many thynges agaynſte the lawe of the realme. And yet neuertheles many pꝛieſtes haue giuen full credence to them/foꝝ they haue thought that the makers thereof, whiche were the heedes of the churche, wolde nat make any lawe, but by good and ſufficiēt auctoritie. And therbyppon it hath folowed / that whan any doubtē oz question hath ryſen vpon the ſayd lawes: all ſpiritual men in maner wolde ſtycke faſt to the lawes, and many temporall men by reason of a comen ble and cuſtome, that they haue ſene to the contrarie, haue reſiſted them: wherbyppon

Upon haue rylen in many places great  
stryfe, varyaunces, & great expences in  
the spirituall lawe. Wherby many tem-  
porall men haue thought that spirituall  
courtes be rather bled for maintenaunce  
of couetise, than for ministraciō of iustice.  
And thoughē, with the mercye of oure  
lordē, the trouthe is nat so vniuersally;  
yet some diligence wolde be taken to re-  
moue that iudgement fro the people.

¶ And of these lawes is the constituti-  
on of Bonyface the Archebysshoppe of  
Canterbury/ wherby it is decreed, that  
he that letteth a woman couerte to make  
her wyll, or that letteth it to be proued,  
is accursed: and the lawe of the realme  
is, that a woman couerte hathē no good-  
des, that she may make any wyll of, ex-  
cepte it be of a thyngē in action, or that  
she were executrix before. And if she we-  
re so, than with licence of her husbāde  
she may make an executour to the intent  
he may leuye the dette or fulfyll the fyrst  
wyll. An other lyke law is of the Decree  
of the ryghte reuerende father in god,  
Roberte Wynchellspe/ late archebysshop  
of Canterbury, made against the comen  
D s      custome



custom of the realme for tithe of wood :  
 aboue .xx. yere nat to be payde / whiche  
 custome was confermed by the statute  
 made in the .xlv. yere of king E. the .iii.  
 that is commonly called the statute of  
 Silua cedua : By reason of whiche de-  
 cree great lutes , variances , & expences  
 haue ensued and wyl ensue , if it be suffe-  
 red . wherfore the sayde estatute wolde  
 be thoroughly sene : And yf hit be good ,  
 than nat to suffre any decree to stande  
 agaynste it / and els clerely to breke it .  
 Other lyke lawes be the lawes that be  
 made by the church , that executours  
 shall nat vppon payne of cursynge , ad-  
 ministre , tyll they haue proued the tes-  
 tament : where the lawe of the realme  
 is / that they may : & so reason wold that  
 they shulde be : for els the goodes of the  
 testatour myght be enbeselled & lost for  
 euer . And that lay mē may nat put cler-  
 kes to answer before thē , specially in cri-  
 minal causes . And for the strēgth of tho  
 lawes many spiritual mē haue reportid  
 openly , & that somtyme in open sermons ,  
 þ̄ such puttyng to answer of pristes be-  
 fore lay men is prohibited by the law of  
 god /

god / wherupon me thynketh as greatly  
to be noted these pointes / that is to say,  
that if it be as they say / that it is ayenst  
the lawe of god / that than great default  
is in them, that they haue done no more  
to resourme it than they haue done, for  
clering the consciēce of so many people,  
as than daily offend therby. And if it be  
nat, as they say / than they mainteyn an  
vnt ruth, which is a great offēce in men  
of such grauite & pfectiō as they be. And  
they alio be therby bounden to restitutio  
to the temporal princis, which ought to  
haue theyr synes & amerciamentes bpō  
suche lutes, as shulde be taken agaynst  
preestes in theyr courtes: wherof they  
be many tymes excluded by reson of the  
said pretended priuilege. And if it could  
be sufficiently proued, that it is ayenste  
the law of god, to put pristres to answer  
before lay men: than degrading of them  
could nat helpe: for nat withstanding  
y disgradyng, the character abideth / & so  
he is a prest styl, as he was before. And  
I suppose verily that thā the kinges p  
genitors wold in time past haue assēted  
to it. And that the kyngs grace, & all his  
realme



realme, wolde with good wyll also con-  
 forme them self to it/ but that was neuer  
 sufficiently proued, as farre as I haue  
 herde. And to that that some spyrytuall  
 men say, that it is an auncient custome,  
 and a custome approued, that priestes  
 in felonies/ murderers. & treasons shulde  
 nat be put to aunswere before laye men,  
 and that by reason of that olde custome,  
 they oughte to be pryuyleged in that be-  
 half/ though it can nat be proued direct-  
 ly by the lawe of god: to that it maye be  
 answered, that there was neuer yet su-  
 che custom in this realm approued. For  
 priestes haue ben arraigned alway for tre-  
 son and felony before the kynges Justy-  
 ces. And for treson it hath ben sene, that  
 they haue ben put in execution/ as it ap-  
 pereth by a complaynt made by the cler-  
 gy in the parlyament holden in the. xxv.  
 yere of kyng Edward the thyrde pro  
 Clero/ where the clergie complayned,  
 that prestes, monkes, & religious, were  
 contrarpe to the liberties of the churche  
 (as they sayde) put to dethe: and bypon  
 that complaynt it was enacted, that all  
 maner clerkes, as well secular as religi-  
 ous;

ous, that shulde fro thens forth be con-  
 uicte befoze any Justice secular, foze any  
 maner of trespase oze felony / touchyng other  
 persons / than the kyng oze his royal ma-  
 iestie, shulde haue fro thens forth freely  
 the pryuylege of holye churche, and be  
 withoute lette oze delaye deliuered to the  
 ordinarie them demaundyng. And it se-  
 meth that by that terme, Clerke, in that  
 statute pro Clero, is vnderstonde as well  
 clerkes that be within orders, as clerkes  
 that can rede as clerkes, and yet be nat  
 within orders: foze they shall haue theyr  
 clergy in petyte treason / whiche be com-  
 menly taken to be suche treasons / as be  
 recited in the later ende of the declaracio  
 of treason, made in the sayde .xxv. yere  
 of Ed.the.iii. whereof the eschete belon-  
 geth to the lordes of the fee. But in the  
 other treasons that be recited in the sayd  
 declaracion / whereof the forfaiture is  
 onely to the kyng: none shall haue his  
 clergy by the comon lawe / clerke with-  
 in orders noze lay man, that can rede / ne  
 there is nat any remedy prouyded foze no  
 maner of clerkes in tho treasons / foze they  
 touche the kyng and his royal maiestie.

And



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And therfore they be excepted in þe sayd statute p Clero, as befoze apereth, & be comonly called hygh treasōs: & of that nature of treasō is now waschyng / clippyng & fylling of money: for the statute made āno. ii. H. v. is, that it shalbe tresō to the kyng & to the realme. And therfore no clerk can there haue his clergy.

¶ And here I wolde moue a lytle farther, that if a clerke within ordres bzen a house, bycause he hadde nat certayne money layde in a secreete place as he appointed by a byll: whether he shal haue his pryuylege: for the statute made in that case / is that suche brennyng shall be hyghe treason. And yet the forfeiture is gyuen to the lordes of the fee. &c. And the sayd statute is āno. viii. H. vi. ca. vi.

And sith it is haute treason / many men suppose, that he shall nat haue his clergy: but I comynyte that to other, that lyst to treate farther of that matter: But for countrefaytynge and forgyng the coyne of an other realme: I suppose a clerke shuld nat be put in execuciō, yf he wyll aske his pryuylege. For the statute is no more, but that it shall be treason

son

son, and sayeth not that it shall be treason to the kynge and to the realme / as the other statute dothe. And therfore I suppose that by the sayd statute pro clero / he shall haue his clergy. Yet neuer the lesse that statute pro clero in one poynte declareth the common lawe to be moze strayter agaynst the priuilege of clergy / than many men take it to be: and that is in this poynt. If a clerke stele any of the kynges goodes, that he shall nat haue the priuilege of his clergie. For the sayd statute is, that he shall haue his clergie in treason or felony concernynge other persons than the kynge or his royal maiesty. And therfore for felony cōcernyng the kynge selfe / it semeth that a clerke at the comen lawe, shoulde not haue had the priuilege of his clergy: but that I remyt to other, that be lerned in the lawes of the realme. And I haue spokē the further of these matters, because as me semeth, it were ryght expedient, that spirituall men shuld knowe them, & such other as most specially pteine vnto them, moze parfytely than they haue done in tyme paste: and moze rather to coueyte  
to



to haue the true vnderstandyng of them,  
than to repozte that the makers of them  
offended in the makynge, specially sayng  
that they were made by the kynge, with  
the assent of all the lordes spyrytual and  
tempozalle / and of the commens, and  
some of them at the specyall request and  
petition of the spiritualtie.

¶ And here me thynketh I myght saye  
a lyttell farther in this matter, and that  
(as it is lyke) the trowth wyll proue, that  
is to saye: that as longe as the iurisdic-  
tions spirituall and tempozall be suffred  
to stande in suche case as they do nowe,  
that tempozall men shall say that spiri-  
tuall men make lawes, that they haue  
non auctoritie to make / and that spyry-  
tuall men shall say, that tempozall men  
make lawes that be agaynst the libertie  
of the churche, wherfoze they be accur-  
sed, and no other order taken to haue it  
knowen, what is the libertie of the chur-  
che, and what nat/ than is yet taken: It  
wyll be longe ere this dyuysyon wyll be  
fully appeased. ¶ Than to retourne to  
the pryuyleges of clerkes. The trowth  
is, that yet clerkes within orders be  
more

more fauoured than clerkes that be not within orders. For if a preeſte be arraigned of felony / and confeſſeth the felony, or is founde gyltie, and than he prayeth the benyfyte of his priuilege, and ſheweth the letters of his orders, in that caſe the iudges wyll not compell hym to rede. For ſithe the churche hath admittēd hym to orders, the lawe preſumeth that he can rede as many men ſaye. And ouer that if a preeſt wolde wylfully forſake his priuilege, and confeſſe y felony and become a prouour: yet yf the ordinarie wyll aſke hym as a membre of the churche / and ſhewe the letters of his orders, he ſhall haue hym, and that is by the ſtatute called articuli clerici. For befoze that ſtatute he ſhulde haue bene compelled to haue done battayle / yf the approuce wolde haue waged hit. And alſo if a preeſte, after that he hath confeſſed the felony, or after that he is found gyltie / wyl pray his clergie, and after of wylfulnes he wil renoūce his priuilege: yet if the ordinarie wyll aſke hym, he ſhal haue hym: and that is by the comen lawe. But in this matter hit is a  
**C** doubt



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doubte, to many men / whether it suffy-  
seth to the ordinary only to affirme, that  
he is a pzeest & so to aske hym : or that he  
must shew the letters of his orders. And  
I suppose / that it is sufficient / yf he af-  
firm that he is within orders, though he  
shewe not the letters of his orders / nor  
yet the regestryng of them. And that se-  
meth by the statute of an. iiii. H. vii. ca,  
xiii. where it appereth that the Certifi-  
cat of the ordinarye, that he is within  
orders shulde suffyce. And if his certifi-  
cat shulde suffyce, than it semeth that  
his seynge in his owne persone / that the  
other is a clerke / shulde suffyce.

¶ And in the statute made anno. xxi. H.  
Henrici octavi / ca. i. it appereth, that  
clerkes within holy orders / haue great-  
ter priuilege, concernyng theyr clergie,  
than clerkes that be not within orders.  
But neuer the lesse I leue that matter to  
the determination of other.

¶ But admytte / that there had ben such  
accustome receyued and admitted in the  
realme / that pzeestes shulde not be put to  
answer before laye men, and that than  
this questyon were asked, whether the  
par

parlyamēt myght breake that custome.  
 To that questyon (as it semeth) it maye  
 be aunswered thus: That yf that cus-  
 tome turne in to an occasyon and bolde-  
 nes of thefte and murder, and other lyke  
 thynges agaynst the kynges peace, and  
 that as well in many spirytual men as  
 in tēporal men by exāple of spirytual mē,  
 which by reason of that priuilege take a  
 boldnes to offend: It were not only a law-  
 ful dede to breake that custom, but a right  
 good & meritorious dede to do it, and a  
 dede that the kyng is bounde to at his  
 coronacion. For he is sworne to main-  
 teigne the good customes of his realme  
 and to breake the euyl. And sure it is,  
 that all customes that be agaynst his  
 peace, be euyl, as this shulde be, yf that  
 effecte shulde folowe of it / as before ap-  
 pereth. And that the kyng is specialle  
 bounde by his lawes to aduoyde all  
 thynges, that may be a let to his peace,  
 it appereth by the statute that is called  
 statutū de defētiōe armozū, where it is  
 sayd amōge other thynges thus. To the  
 kyng it apperteyneth by his royall seys-  
 nyng to defende strongly all armes, and



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all other force agaynst his peace as ofte  
as it shall please hym . And that he may  
punyshe them that do agaynst his peace  
after the lawes and customes of his re-  
alme . And that al his lordes spyrytuall  
and tempoꝛall are bounde to ayde hym  
therin as theyꝛ soueraigne loꝛde . And  
syth murders and felonyes are specially  
agaynst the kynges peace : therfore the  
said custome shuld be agaynst his peace/  
yf suche effecte shulde folowe of it, as be-  
foze appereth . Wherfore it semeth , that  
he shuld than haue auctoꝛtye in his par-  
lyamente to breake that custome , as a  
thyng agaynst yꝛ peace and quyetenes  
of his people . And he that hath auctoꝛi-  
tye to aduoyde suche thynges, as breake  
his peace, hath also auctoꝛyte to pꝛeuent  
and deuoyde suche thynges , as maye  
gyue occasion to yꝛ breking of his peace,  
as that custome shulde do , yf the sayde  
effecte shulde folowe of it . And certayne  
hit is , that it hurtethe no moze a good  
pꝛeeste, that an euyl pꝛeeste is punisshed,  
than it hurteth a lay man , that he is pu-  
nysshed : ne no moze than it hurtethe a  
good lay man oꝛ woman, that an nother  
is

is euyl and is punysshed for it. And I suppose verily, that this diuision wil neuer be perfyte ly appeased, tylle preestes and religious wyl be as lothe to here of any defeaute in a lay man or lay woman / as in a preste or in a religious person. And that wyl neuer be as longe as the great confederacies and singularite continueth amonge preestes and amonge religious persons, as it dothe now. The good lay men and women must paciently beare the euyl reporte of other laye men and women, that be of the same condycyon as they be / and so they shall be taught by spiritual me / that they ought to do : but they wyl not do so them selfe. In so moche that I suppose verily, that many a preest & religious wold grudge more ayenste an euyl reporte made of a preest or religious / that in dede were gyltie, in pryde / couetyse, angre / malice, glotony, lecherie, or suche other : than they wolde be ayenst a lyke euyl report made of a laye manne or a laye woman, that were not gyltie.

¶ Dyuers other lawes there be / that be made by the churche : that many menne



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thynke the churche hadde no power to make: As it is / that no benefice shalbe let to a lay man / but a spiritual man be ioyned with hym: Or that it shall not be let aboue. iiii. yeres. And also the constitution of a dimission noble, & suche other, that were to longe to reherse now. For these suffice to shew, that by such lawes, made by the churche / that they hadde no power to make any lawe of / hath rysen one speciall cause of this diuision.

**C** An other occasion of this diuision.

The. xiii. Chapter.



A other occasion of this diuision hath rysen by reason of feyned visitacions, vsed in tymes paste by ordinaris and other, that haue hadde power to visyte howses of religion and churches in the countrey: For there is a comen opinion in maner vniuersally rysen amonge the people, that suche visitacions / after y maner as they be

be vsed/do litel good, and rather encrece  
vice than vertue. And verilie the more  
pytie is, it semeth to be true as they sey.  
For it is vsed/that at suche visitacions,  
visitours take of the houses of religyon  
that they vysite/ somme certeyne pency-  
on: And for visitacion of churches they  
haue of some certayne churche/mete and  
dynke, where they vysite/and than they  
gather somme certayne duetie of all the  
churches within a certeyn circute i that  
contrey. And neuer the les/as the comen  
opynyon gothe / comenlye they refozme  
nothyng / but as they fynde it, so they  
leue it/and neyther cōfoste they vertue /  
ne punyshe vice / but many tymes the  
contrarie, by some worldlie demeanour  
or euyl example, that the people see in  
them. And thus when the people haue  
sene, that offenders, as well spiritual as  
tenporall/contynue after the visitacion  
as they dydde before: they haue coniec-  
tured/that the ordinaries and visitours  
do vysite more rather for theyr pencions/  
than for any good order or refozmacion.  
And this/through a longe cōtinuance,



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hath brought the people to iudge great  
couetise in such visitours / whiche com-  
menly be of the greatest reulers of the  
spiritualtie : wherby the peole by lye-  
tell and lytell haue fallen into a dysprays-  
syng of such visitations / and into a mis-  
lykynge of theyr rulers spiritual, and of  
suche pompe and worldly behauour, as  
is shewed by them at suche visitations.  
And than whan such visitours and spi-  
rituall rulers haue perceyued, that the  
people haue misliked theyr visitations,  
they haue disdayned it, and haue conty-  
nued styl as they dyd befoze: and so hath  
the grudge betwene them contynued se-  
cretely of long tyme. And surely it is to  
be moche meruayled, that visitours wil  
attempte to take at theyr visitatiōs any  
pension or imposition of them that they  
visite, contrarie to the good lawes that  
be made in the. vi. boke, ti. De censibus.  
ca. romana, et erigit. Wherin great pe-  
nalties be set vppon them that take any  
pension at theyr visitations / contrary to  
the sayd lawes / as in the same doth ap-  
pere. And but there be any secret dispen-  
sation in that behalfe: many be suspen-  
ded /

ded/that dayly minstre. And if there be any suche secreete dispensation, hit is to doute, that the graunte therof proceded not of charite, but of some couetyse and singularite: yf the very grounde therof were througely serched. Wherefore hit were ryght expedient/that suche visitations were set in suche order, as well by spirituall auctoritie/as by temporal auctoritie, that good men hereafter myght therby be comforted/and euyl men corrected & reformed, to the good example of all other that shulde here of it.

**C**An other cause of this  
dyuysion.

The. xiiii. Chapiter.



**A**nother cause of the sayd diuision hathe ryssen by occasion of the greate multitude of lycences and dispensations, that haue benne made for money by popes and busshops in tyme paste / contrary to dyuers good lawes made by the church, as of pluralites, apenst the law that no man shulde

E s                      haue



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haue but one benefice / and of lycence to curates to be non resident, of capacities to men of religyon, and that none shall take orders ne be promoted afore a certayne age, and suche other: whiche lycences & dispensacions haue bene so accustomedly graunted for money without cause reasonable, that great inconueniences haue folowed vppon it, to the great grudge, and murmour, and euill example of all the people.

**C** An other cause of the sayde  
dyuysion.

The .xv. Chapter.



A other occasyon of the sayde diuysion hathe rysen by a greate larnes and libertye of lyuynge / that the people haue sene in many religious mē. For they say, that though religious men professe obedience & pouerty / yet many of them haue & wil haue theyr owne wil, with pleynty & delicate fedynge, in such abundance that no obedience nor pouertie appereth in them.

And

And therfore many haue sayde, and yet  
say to this day, that religious men haue  
the most pleasant & delicate lyfe that any  
men haue. And truly if we behold the ho-  
lynnes & blessed exāples of holy fathers,  
& of many religious persons, that haue  
bene i tyme past/and of many religious  
persons that be now in these dayes: we  
shulde se ryght great diuersity bytwene  
them, I trowe (as for many of them) as  
greate diuersitie as is bytwene heuen &  
hell. And here, as it semeth, I myght  
conueniently reherse the wordes that be  
spoken in the fyrst boke of the folowynge  
of Chyyste/the.xviii.chapiter, where it  
speaketh of the holy fathers, that haue  
bene in religion in tyme past/and sayth  
thus. They serued our lord, in hunger  
and in thurst, in hete and in colde, in na-  
kednes/in labour, and in weyrynes/in vi-  
giles & fastinges, in prayers, and in ho-  
ly meditations, in persecucions, and in  
many reproffes. They refused honours  
here in this lyfe, that they myght alway  
haue them in y euerlastyng lyfe. O how  
strayt and howe abiect a lyfe led the ho-  
ly fathers in wyldernes: howe greuous  
tempta-



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temptacions they suffered: howe fyrstly  
they were with theyꝝ goostly enemyes  
assayled: howe feruent prayer they day-  
ly offered to god: what rygorous absti-  
nence they vsed: howe great zeale & fer-  
uour they had to spiritual profyte: how  
stronge batayle agaynst all synne: And  
howe pure and holle entent they hadde  
to god in al theyꝝ dedes: on the day they  
laboured, and on the nyght they prayed.  
And though they laboured on the daye  
bodily, yet they prayed in mynde, and so  
they spent theyꝝ tyme alway frutefully,  
and thought euery houre shorte: for the  
seruyce of god / and for the great swetes-  
nes that they hadde in heuenly contem-  
plation, they forgette ofte tymes theyꝝ  
bodily refection. All ryches / honour / di-  
gnities / kinnemen, and frendes they re-  
nounced for the loue of god. They coue-  
ted to haue nothynge of the worlde, so  
that skarcely they wolde take that was  
necessarype for the bodily kynde. They  
were pooze in worldly goodes / but they  
were ryche in grace and vertues. They  
were nedp outwardely, but inwardely  
they were replenysshed with grace and  
goostly

goostly comforts. To the worlde they were alyens and straungers, but to god they were ryghte deere and familjar frendes. In the syght of the worlde and in theyr owne sighte they were vile and abiecte, but in y<sup>e</sup> syght of god and of his saynctes they were precious and singularly electe. In them shone al perfection of vertue / trewe mekenes, symple obedience, charitie, and pacience / with other like vertues & gracious gyftes of god. Wherefore they profited dayly in spirite, and opteyned great grace of god. They be lefte as an example to all religious persones, and moze oughte theyr exam-  
ples to stee them to deuotion, and to profite moze & moze in vertue & grace / than y<sup>e</sup> great multitude of dissolute and ydle persones shulde any thyng drawe them abacke. What feruoure was in religious persons at the begynnyng of theyr religion? What deuotion in pray-  
ers / what zeale to vertue, what loue to goostly discipline, and what reuerence and meke obedience flourysshed in them vnder the rule of theyr superiour? truely theyr dedes yet bere witness that they  
were



were holy and perfyte, that so myghtly  
 subdued the worlde / and thrust it vnder  
 fote. Thus farre gothe the sayde chap-  
 ter. But the more pitie is / most men say,  
 that nowe a dayes many religious men  
 wyl rather folow theyr owne wyl, than  
 the wylle of theyr superiour, and that  
 they wylle neyther haue hunger nother  
 thyrist, heate, nor colde: nakednes, wey-  
 nes / nor labour, but riches, hono: / digni-  
 ties, frēdes, & worldly acquētfāce, attē-  
 dance of seruantes at their cōmandemen-  
 tes, pleasures / disportes, & y more lyber-  
 ally than temporal mē haue. Thus are  
 they fallen (say they) fro y true religiō:  
 wherby the deuocion of the people is in  
 maner fallē fro thē. Neuertheles I dout  
 not / but there be many right good & ver-  
 tuous religious persons, god forbede it  
 shulde be other wyse: but hit is sayde,  
 that there be many euill, and that in su-  
 che multitude / that they that be good  
 canne not, or wyl not, see them refour-  
 med. And one great cause that lettethe  
 reformation in this behalfe is, this:  
 If the moste dissolute persone in all the  
 cōtinualtie / and that lyueth most openly  
 ayēst

ayenst the rules of the religion, can vse  
this policie, to extolle his religyon a-  
boue other / and dispraise other rely-  
gions, for that they be not of suche  
perfection as they? religyon is, anone  
he shall be called a good seruente bro-  
ther / and one that beareth vpp the re-  
lygion, and shall be therfore the more  
lyghtely forborne in his offences.

Where the throuthe is, that the religion  
maynteyneth hym, and beareth vpp  
hym / and not he the religion. For hit  
hathe lyttell nede of hym. And thoughe  
many be good and lyue a ryghte good  
and laudable lyfe, after the statutes and  
order there vsed: yet in that poynt / to  
extolle they? religyon aboue other, and  
to take parte with them, that doo so  
thoughe they knowe: that they that so  
extol it / kepe not the religion them selfe,  
fewe be without offence, and truly that  
is a great defeaute, for it gyueth a great  
boldnes to offenders / and discourageth  
theym, that be good / whanne they see  
them that mooste lyue ayenste they? rely-  
gion, be so maynteyned and commen-  
ded.



**C**An other thyng that hath caused many people to mislike religion, hath bene the great extremitie, that hath ben many tymes sene at elections of abbotes, priours, and suche other soueraygnes spirituall. And this is a generall grounde, that whan religious men perceyue / that the people mislike them / they in theyr hartes withdraue theyr fauour and deuotion agayne fro them: And so hath charitie waxed colde bytwene them.

And verily I suppose / that hit were better, that there shulde no abbotte or prioure hereafter contynue ouer certayne yerres, that shuld be appoynted by auctoritie of the rulers, than to haue suche extremities at elections, as hath bene vsed in tyme paste in many places.

**C**And verily (as me semeth) one thyng wolde do great good concernyng religion, and all religious persones, and that is this: that the reules and constitutions of religion were sene and wel considered / whether the rygour and straytnes of them may be borne now in these dayes, as they were at the begynnyng of the religions. For the people be now more

more weyke, as to the multitude / than  
they were than. And yf it be tought,  
that they maye not be nowe kepte: that  
than such relaxacions and interpretati-  
ons of theyr rules be made, as shall be  
thought by the reulers expedient: For  
better it is to haue an esye rule wel kept  
than a strapte rule broken without cor-  
rection: For therof foloweth a boldenes  
to offende / a quyet herte in a euyl cōscy-  
ence: a custome in synne, with many e-  
uyl examples vnto the people: wherby  
many haue found default at al religion,  
where they shulde rather haue founde  
defaute at dyuers abusions agaynst the  
true religion: for certayne it is, that re-  
ligions were first made by holy fathers,  
by the instincte of the holy ghoſte, kepe  
them who so may.

**T**he conclusyon of this ly-  
tell treatise.

**The .xvi. Chapter.**

**I**

**Sith**





yf the there is no sacrifice  
 that more pleaseth almygh-  
 ty god / than zeale of soules  
 dothe / it is good that euery  
 man dispose hym selfe , as  
 nyghe as he can / to haue that zeale: And if  
 he may through grace come therunto, it  
 shall instructe hym in many thynges,  
 how he shal behaue hym selfe anenste his  
 neyghbour . And fyrste hit shall teache  
 hym / that he shall take hede , that he do  
 nothyng / that myght gyue occasion vn-  
 to his neyghbour to offende. And I vn-  
 derstonde nat therby, that he shall onely  
 take hede , that he do none euyll dede,  
 wherby his neyghboure maye take oc-  
 casion to offende, whiche in latyn is cal-  
 led offendiculum / that is to say / an occas-  
 sion to offende: but I meane also , that  
 he shall take hede / that his neyghboure  
 take none occasion to offende by no dede  
 that he shall do , thoughe it be good , as  
 gyuyng of almes, oꝝ buyldyng of chur-  
 ches, oꝝ suche other: which if the people  
 iuged to be done of pryde & vaine glory  
 must be lefte foꝝ a tyme , foꝝ hurtynge of  
 them that be of that opinion: tyll they  
 may

maye be instructed of the intente of the dede. And yf they wyl in no wyse be res-  
toured, than bycause hit semeth to be  
of malice, as was in the phariseys: their  
iudgement may be dyspyled / & the good  
dede contynued .

**C** Also where trouth shulde perysshe / if  
the good dede shulde be omitted / there  
a good dede is not to be omitted . And  
accordynge to that is sayde before / the  
blessed apostell saynt Paule, of a great  
zele that he had to the people / sayde :

**C** If eatynge of flesshe shulde hurt my  
neyghbour, I wolde neuer eate flesshe.  
And therfore in the sayd chapter he mo-  
nished all them, that wolde eate mete,  
that was offered to ydolles before them  
that were newly conuerted of the Gen-  
tyles / and that were yet but weke in the  
faythe: that they shulde beware, that  
though they knewe, that they myghte  
lawfully do as they dydde, that yet they  
shulde take hede, that they brother were  
not offended therby . And in all that  
chapter the holy apostell treateth moch  
that it is good to euery man to be ware /  
that through his dede he gyue no occasi-



tion to his brother to offende. And I beseeche almyghty god, that euery manne, but moost specially our lordes and masters spirituall, may hereafter endeuoze them selfe to kepe wel this poynt, that is to say / that they do nothyng to gyue the people occasion to offende : and ouer that, that they may diligently instructe the vnlearned people to the knowlege of the trouthe / and to stable them as well by doctrine as by good example / al singularite sette aparte . And for as moche as doctrine and good example pertyne mooste specially to prelates and spiritual rulers, therfore I shall brefely recyte certayne auctorities / that shall some what moue them to haue a zeale and loue vnto the people . And also to be pyteous vnto them : And for shorvenes I shall omitte for this tyme to shewe by whome the said auctorities were spoken, besechyng the reders to take heede to the wordes that be spoken, though hit appere not who speake them .

¶ First I fynde diuers auctorities that say thus : It is expedient, that prelates study moze to profite the people, than to haue

haue preeminence ouer the people.

¶ Also I fynde wrytten / that though the punisshemēt may not holly be omptted, that yet it profyteth moche / that it be somtyme deferred.

¶ Also that it behoueth necessarily, that he that hath rule ouer other, brenne euer in a quicke lyuely zeale to the helthe of theyr soules, that he hath rule of: And that els he shal lyttel profyre vnto them. And therfore he coueteth vndiscretly to haue rule ouer them, that he studyeth not to profyte vnto. And therfore this is sayde specially to prelates and to other that haue rule ouer the people: Rule ye to forsee the perylls and daungers of them that ye haue rule of / to counsaylle them to procure theyr helth, and to serue and to profyte to other / as good faythful and wyse seruauntes, whome our lord hath ordeyned ouer his householde.

Plante ye vertue in them by hollosomme doctrine / water it by good example, and helpe them with your prayour / and thā haue ye done that pertaineth to you, and our lord shal well gyue encrease of growynge / whan hit shal please hym / and

¶

that



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that parauenture there as after mannes  
iugement was farre vnlyke. These thre  
thynges therfore be very necessary, do-  
ctryne, example / and prayour, but the  
greatest of them is prayour. It is al-  
so sayd to the prelates thus: Knowe ye,  
that ye oughte to be as mothers to the  
people, and not as lordes / and ye  
ought to studye rather to be beloued thā  
dred, and if it be necessary some tyme to  
haue correction, that it be a fatherly cor-  
rection, and not as it were of a tyraunte /  
and shew your selfe as mothers in no-  
rissynge of the people / and as fathers in  
correctyng them. Be meke / put away al  
fiercenes / forbere betyng / & speke vnto y  
people faire & sobre wordes, and set not  
your yock to greuously vpon thē, whose  
burdeyns ye ought rather to bere. If ye  
be spiritual, instruct y people in the spi-  
rite of Softenes, & let euery mā considre  
hym selfe well, leest that he map be also  
tempted. He that is a mother dys-  
muleth not / he can ioye with them that  
ioye / wepe with them that wepe / and he  
wylle not ceasse to thruste oute of the  
breste of compassion the mylke of cōsola-  
tion

tion. He taketh hede, if he can perceyue any mā / that is vered w<sup>th</sup> any great temptation or trouble / and y<sup>e</sup> is heuy & weike therewith: And if he finde any such, with him he sozoweth, him louingly he entreteeth, him he cōforteth, & findeth anon many argumētes of pitie & trust, wherewith he relieeth him vp ayen to cōfort of spirit And yf he knowe any that is prompte / quick, & wel p<sup>ro</sup>fityng i grace / he ioyneth with hym, he giueth hym many holssome cōsailes, & kindeleth him / and instructeth hym all that he can to perceuer and p<sup>ro</sup>fyte euer fro better to better, he cōformeth him selfe to euery mā he tozorneth the effectiōs of al men vnto him selfe in al goodnes, and p<sup>ro</sup>ueth him selfe verily to be a mother, as well of them that be offenders, as of them that p<sup>ro</sup>fiteth in grace: And as a trewe leche he seketh as well them that be sycke as theym that be hoole / and all this he dothe through the gyfte of pitie, and of a zeale, that he hath to the helth of they<sup>r</sup> soules. Also a good diligēte shepeherde neuer cēsethe to fede his flocke with good les<sup>sons</sup> and exam<sup>ples</sup>, and that with his



A treatise.

owne example rather than with other mens, For yf he fede them with other mens examples, and not with his own / hit is but a rebuke vnto hym, and his flocke shal not profyte moche therby. For if a prelate wyl shew vnto the people the sobrenes of Moyses, the pacience of Job, the mercy of Samuell, the holynes of Dauid, & such other examples of blessed men: and he hym selfe be vnmeke, vnpacient, vnmmercifull, and not holy, it is to fere, that al those examples shal lytel profyte. And therfore prelates, that in tyme passed haue bene the verye trewe shepeherdes, though they hadde theyr bodyes here of the erthe, yet neuer the lesse they fed the flockes of our lord to them commytted with heuently fode, and vsed not to preache to them theyr owne wyl, but the wylle of god. And one man saythe of prelates this: Whan I (saythe he) beholde the heyght of the honour of prelacy, forthe with I drede the peryll and daunger of it. And whan I conside þe degree, I drede the ruine. I conside the heyghte of the dignitie / and I beholde forthwith the mouthe of Helle

Helle open euen at hande, For there is  
 no doubt, but that they: administracion  
 is more perillous, than is the ministracion  
 of any other. But yet neuerthelesse  
 pf they administre uel, they shal get the  
 selfe therby an hyghe degree in heuen: &  
 they shal receyue y gretter abundance &  
 more ful measure of peace for their good  
 trauaylle for euer. And I beseeche al-  
 myghty god to sende these.iiii.thynges  
 habundantly in to the worlde, and that  
 mooste specially amonge prelates, and  
 spirituall reulers, that is to saye: zeale of  
 soules, pitie/good doctrine, and deuout  
 prayour. And than vndoubtedly, a new  
 lyghte of grace, and of Tractabilitie,  
 shall shortly shewe and shyne amonge  
 the people.

Thus endeth this Treatyse  
 concernynge the diuision  
 betwene the spiri-  
 tualtie & the  
 tem-  
 poraltie.



# TABVLA.



yste that the dyuysyon amonge spyrituall men them selfe hath bene onc cause of the diuysyon / that is nowe bytwene the spyrytualtye & tempo:alty in this realme.

## The firste Chapiter.

That the ompttynge of dyuers good lawes / with certaine defautes and disorder in men of the church / whiche among other be recited and declared by John Gerson : haue bene an other occasion of this diuision.

## The seconde Chapiter.

That certayne lawes made by the church, wherein it is recited, quod laici sunt clericis infesti, that is to saye, that laye men be cruell to clerkes : hath bene an other cause of this dyuysion.

## The thyrde Chapiter.

That the extreme lawes made by the church for lepenge violent handes vpon clerkes / haue bene an other cause of this dyuysion.

## The fourth Chapiter.

That

The Table.

**C** That the disorderynge of the generall sentence / hath bene an other occasyon of the sayde diuision.

The fyfte Chapter

**C** That an other occasion of this diuision hath partly rylen by tempoꝛal men, through disorderynge of theyꝝ chapleyns and chauntrye pꝛeestes.

The syxte Chapter.

**C** That lutes taken in y spiritual courtes (ex officio) haue ben an nother occasyon of this diuision.

The seuenth Chapter.

**C** That though after y determination of doctours / a man is not an heretyke, foꝛ that only that he erreth, but foꝛ that he opinatysfely defendeth his errour, and that neuer the lesse the spiritualtie, as a comynen voyce gothe amonge the people, haue in tyme paste punysshed many foꝛ heresie vpon lyght causes and offences, wherupon many people haue grudged / and that grudge hath ben an other occasyon of this diuision.

The eyght Chapter.

**C** That the parcialite that hath benne shewed vpon lutes taken in y spirituall courte



The Table.

courte by spirituall men, hath bene an other cause of this diuision.

The nynthe Chapter.

**C** That the extreme and couetous demeanour of some curates with theyr parrysshens, hath ben an other cause of this diuision. The tenth Chapter.

**C** That the grauntynge of pardons for money, as it were to some charitable vse, that hath not after folowed, hath raysed an other grudge amonge the people, whiche hath ben an other occasion of this diuision.

The leuenth Chapter.

**C** That the makynge of lawes by the churche, whiche they hadde none auctoritie to make, hath bene an other occasion of this diuision.

The twelthe Chapter.

**C** That lacke of good visitacions, hath bene an other occasion of this diuision.

The thyrtene Chapter.

**C** That y great multitude of lycences and dispensacions made by spiritual rulers for money vpon lyght suggestions hath ben an other cause of this diuision.

The fourtene Chapter.

That

The Table.

**T**hat the great larnes and worldely pleasures of religious persons/wherby the people hath benne greatly offended/ hath bene an other occasion of this diuision. The fyftetene Chapter.

**T**han for a cōclusion of this treatise it is somwhat touched, howe good it is to haue a zeale of soules, and howe perilous it is to do any thyng/wherby they myght be hurted. And that if zeale of soules, pitie, good doctrine, & deuoute prayour/were abundauntly in this worlde, moost specially in prelates & spirituall rulers: that than a newe lyght of grace and tractabilite, wolde shortly shewe and shyne amonge the people.

The .xvi. Chapter.

**I**mprynted at London in Fletes  
strete next vnto sayncte  
Dunstones  
churche,  
by Robert Redman.







